

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**RICHARD LOPEZ AND GLORIA LOPEZ,**  
**on behalf of themselves and all others**  
**similarly situated,**

Plaintiffs,

vs.

**PROGRESSIVE COUNTY MUTUAL**  
**INSURANCE COMPANY AND APRIL**  
**HAGER,**

Defendants.

**Civil Action No. 5:19-cv-380**

**RULE CV-88 JOINT ALTERNATIVE DISPUTE RESOLUTION REPORT**

Pursuant to Local Rule CV-88 and the Court's June 19, 2019 Scheduling Order (ECF 21), the parties respectfully submit this Joint Alternative Dispute Resolution ("ADR") report.

1. **Status of settlement negotiations:** Plaintiffs submitted a written joint demand to the Defendants on July 12, 2019. Kymberly Kochis responded in writing on behalf of Progressive County Mutual Insurance Company on August 7, 2019. John Fabry, on behalf of Plaintiffs, provided additional information by email to Kymberly Kochis on August 8, 2019.

2. **Identity of persons responsible for settlement negotiations for each party:**

A. For Plaintiffs: John Fabry.

B. For Defendants: Kymberly Kochis.

3. **Whether ADR is appropriate and identification of method, provider, how the provider was selected, and how the provider will be compensated:** Defendants do not believe mediation would be productive at this time, but will reevaluate their position following the Court's

ruling on Plaintiffs' Motion to Remand (ECF 18) and subsequent discovery. The parties believe mediation would provide an appropriate forum to attempt resolution of this case, at the appropriate time. The parties believe that they can mutually agree on a mediator for this matter at the appropriate time. The parties agree that the cost of the mediator should be shared equally, with Plaintiffs treated as a single party and Defendants treated as a single party for the purpose of allocating the cost of the mediator. If the parties have not otherwise resolved this dispute, the parties agree to mediate no later than April 3, 2020.

4. All of the parties who have appeared in the action conferred concerning the contents of this ADR Report and have agreed as to its contents.

Respectfully submitted,

/s/ John R. Fabry  
John R. Fabry  
**THE CARLSON LAW FIRM, P.C.**  
1717 N. Interstate Highway 35, Suite 305  
Round Rock, Texas 78664  
Phone: (512) 671-7277  
Fax: (512) 238-0275  
Email: [JFabry@carlsonattorneys.com](mailto:JFabry@carlsonattorneys.com)

/s/ Steve Dummitt  
Steve Dummitt  
**THE CARLSON LAW FIRM, P.C.**  
618 S.W Military Blvd.  
San Antonio, Texas 78221  
Email: [sdummitt@carlsonattorneys.com](mailto:sdummitt@carlsonattorneys.com)  
Phone (210) 923-7700  
Fax (210) 923-3378

Attorneys for Plaintiffs

/s/ Gregory J. Peterson

Gregory J. Peterson  
Larry J. Goldman  
Goldman & Peterson PLLC  
10100 Reunion Place, Suite 800  
San Antonio, TX 78216  
Phone: (210) 340-9800  
Fax: (210) 340-9888  
Email: [Greg@ljglaw.com](mailto:Greg@ljglaw.com)

/s/ Alexander P. Fuchs

Alexander P. Fuchs  
*Pro hac vice*  
Eversheds Sutherland (US) LLP  
1114 Avenue of the Americas  
The Grace Building, 40<sup>th</sup> Floor  
New York, NY 10036  
Phone: (212) 389-5082  
Fax: (212) 389-5099  
Email: [alexfuchs@eversheds-sutherland.com](mailto:alexfuchs@eversheds-sutherland.com)

/s/ Ian Scott Shelton

Ian Scott Shelton  
Eversheds Sutherland (US) LLP  
1114 Avenue of the Americas  
The Grace Building, 40<sup>th</sup> Floor  
New York, NY 10036  
Phone: (212) 389-5082  
Fax: (212) 389-5099  
Email: [ianshelton@eversheds-sutherland.com](mailto:ianshelton@eversheds-sutherland.com)

/s/ Kymberly Kochis

Kymberly Kochis  
*Pro hac vice*  
Eversheds Sutherland (US) LLP  
1114 Avenue of the Americas  
The Grace Building, 40<sup>th</sup> Floor  
New York, NY 10036  
Phone: (212) 389-5082  
Fax: (212) 389-5099  
Email: [kymkochis@eversheds-sutherland.com](mailto:kymkochis@eversheds-sutherland.com)

Attorneys for Defendants